

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Seed et al.:

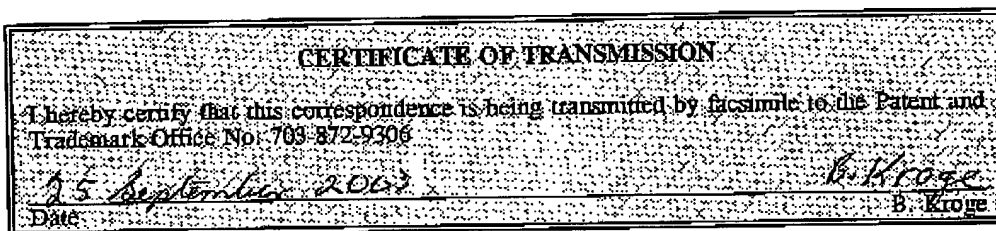
: Group Art Unit: 1644

Serial No.: 09/836,544

: Examiner, Marianne NMN Dibrino

Filed: April 17, 2001

: Confirmation No. 6823

For: RAPID IMMUNOSELECTION
CLONING METHOD

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 2, 2003, Applicants respectfully request reconsideration of the requirement for restriction and provide the following response.

The Patent Office has required restriction under 35 U.S.C. 121. The allegedly distinct invention groups are:

- I. Claims 1, 5, 6, 15-17 and 24, drawn to nucleic acids encoding a cell surface antigen/functional derivatives thereof, classified in Class 536, subclasses 23.5.
- II. Claims 2, 3, 4, 6, 8-11, 13, 21-23 and 25, drawn to a substantially pure protein that is a cell surface antigen/functional derivative thereof, classified in Class 530, subclass 350.

Applicants elect (with traverse) the claims of Group I (DNA claims) for examination. Within that claimed subject matter, Applicants elect the DNA encoding CD27 for examination.

Applicants traverse the requirement for the election of species. Applicants respectfully urge that the Patent Office search at least ten cDNAs. With respect to the requirement for election between nucleic acids and proteins, Applicants respectfully request that the Patent Office search first nucleic acids encoding CD27, and then the protein, as related subject matter. Applicants make no admission that a nucleic acid and the encoded protein are obvious variants of one another.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This amendment is accompanied by a Petition for Extension of Time (two months) with authorization to charge the amount of \$410.00 as required under 37 C.F.R. 1.17. It is believed that this response does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge any deficiency or credit any overpayment to Deposit Account No. 07-1969.

Respectfully submitted,



Donna M. Ferber
Reg. No. 33,878

RECEIVED
CENTRAL FAX CENTER

SEP 25 2003

GREENLEE, WINNER AND SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, CO 80303
Telephone (303) 499-8080
Facsimile: (303) 499-8089
Email: wjinner@greenwin.com

Attorney Docket No.: 11-88L
bmk: September 25, 2003

OFFICIAL